

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 1-4 and 7 have been canceled in favor of new claims 8-17. Support for the subject matter of the new claims is provided at least in the original claims, Fig. 2, and the specification on page 7, line 16, through page 9, line 1. The amendments were not presented earlier due to the unforeseeability of the remarks presented in the Final Rejection.

Claims 1, 3, 4, and 7 were rejected, under 35 USC §103(a), as being unpatentable over Sato (US 5,771,467) in view of Katz et al. (US 2003/0076787). Claim 2 was rejected, under 35 USC §103(a), as being unpatentable over Sato in view of Katz and Faerber (US 2003/0031143). To the extent these rejections may be deemed applicable to new claims 8-17, the Applicants respectfully traverse based on the points set forth below.

Claim 8 defines a radio receiving apparatus that transmits a negative acknowledgment (NACK) signal and a suspend signal to a radio transmitting apparatus.

The Applicants respectfully submit that none of Sato, Katz, and Faerber discloses this subject matter.

The Final Rejection proposes that Sato discloses a receiving apparatus that instructs a communicating apparatus to halt and resume packet transmission (see Final Rejection section 5, lines 3 and 9-15, and section 7, lines 10-12). However, it is submitted that this is not the same as the Applicants' claimed subject matter, for reasons identified below.

Sato discloses a base station controller 5 that instructs a base station 3, 4 to suspend transmission of information, when communication quality becomes degraded, by substituting

transmission of dummy data for the transmission of the information (see Sato col. 4, lines 16-19).

Sato's base station controller 5 instructs base station 3, 4 to resume the transmission of the information when communication quality improves (see col. 4, lines 16-19).

Sato also discloses a mobile station 10 that instructs a data terminal 11 to suspend transmission of information, when communication quality becomes degraded, by substituting transmission of dummy data for the transmission of the information (see Sato col. 3, lines 40-57). When communication quality improves, Sato's mobile station 11 instructs data terminal 10 to resume the transmission of the information (see col. 3, lines 58-62).

In summary, Sato's base station controller 5 instructs base station 3, 4 to suspend and resume transmission of information and Sato's mobile station 11 instructs data terminal 10 to suspend and resume transmission of information. However, Sato's base station controller 5 and data terminal 10 are neither radio receiving apparatuses nor radio transmitting apparatuses; thus, Sato does not disclose the claimed subject matter of a radio receiving apparatus that transmits a suspend transmission signal to a radio transmitting apparatus. Sato also does not disclose the claimed subject matter whereby a radio receiving apparatus transmits a NACK signal to a radio transmitting apparatus.

Katz is cited in the Final Rejection for the teaching of gauging a measured reception quality in accordance with multiple threshold levels. Faerber is cited in the Final Rejection for teaching that a first threshold level may represent a higher reception quality than a second threshold level. Thus, Katz and Faerber do not supplement the teachings of Sato with regard to the above-mentioned subject matter distinguishing claim 8 from Sato.

Accordingly, the Applicants respectfully submit that Sato, Katz and Faerber, considered individually or in combination, do not render obvious the subject matter defined by claim 8. Independent claim 13 similarly recites the above-mentioned subject matter distinguishing apparatus claim 8 from the applied references, but with respect to a method. Therefore, allowance of claims 8 and 13 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

Date: May 21, 2008
JEL/DWW/att

James E. Ledbetter
Registration No. 28,732

Attorney Docket No. 009289-04193
Dickinson Wright PLLC
1901 L Street, NW, Suite 800
Washington, DC 20036
Telephone: (202) 659-6960
Facsimile: (202) 659-1559